



15 NOV 2005

#7

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Leonard Holtz
Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, NY 10001-7708

In re Application of
MACHIDA, et al.
Application No.: 10/518,117
PCT No.: PCT/JP03/08775
Int. Filing Date: 10 July 2003
Priority Date: 30 July 2002
Attorney Docket No.: 04621/LH
For: MALE TYPE ROD-LIKE CONNECTING
TERMINAL AND METHOD OF
MANUFACTURING SAME

COMMUNICATION

This Communication is in response to applicant's "Response to Notification of Defective Response" filed 29 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 July 2003, applicant filed international application PCT/JP03/08775, which claimed priority of an Japanese earlier application filed 30 July 2002. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 January 2005.

On 14 December 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an Information Disclosure Statement and a First Preliminary Amendment.

On 09 May 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date.

On 18 May 2005, applicant filed a response including an executed combined declaration and power of attorney accompanied by a payment of the surcharge and an assignment document for recording.

On 08 June 2005, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the declaration filed 18 May 2005 was not in compliance with 37 CFR 1.497 (a) and (b) as the third listed inventor's name was different from that listed on the international application. Applicant was informed that the declaration was therefore not considered a proper response to the Form PCT/DO/EO/905 mailed 09 May 2005. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or within the time remaining in the response set forth in the Form PCT/DO/EO/905, whichever was longer to file a proper reply.

On 29 June 2005, applicant filed the response considered herein.

DISCUSSION

As detailed in applicant's response and the Form DO/EO/916 mailed 08 June 2005 the third listed inventor is identified in the published international application as Hiroshi ISOKAWA whereas the declaration lists the inventor, and is executed by, Hiroshi IKAGAWA. Applicant's present filing properly references § 201.03 of the Manual of Patent Examining Procedure (MPEP) which provides the procedures where a typographical or transliteration error in the spelling of an inventor's name is discovered. As discussed in that section, in such an instance a petition is not required: "Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration." Applicant's present filing contains such a statement from counsel regarding the correct name of the third inventor: Hiroshi IKAGAWA. As such, the declaration filed 18 May 2005 is acceptable.

CONCLUSION

This application will be given an international application filing date of 10 July 2003 and a date of **18 May 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459